

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

**MCI COMMUNICATIONS SERVICES,  
L.L.C., and MCIMETRO ACCESS  
TRANSMISSION SERVICES CORP.,**

**Plaintiffs,**

**v.**

**THE DIVERSIFIED UTILITY GROUP  
L.L.C.**

**Defendant.**

**Case No. 1:21cv00107**

**JOINT RULE 26(f) REPORT**

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b), a meeting was held on March 11, 2021 via telephone and was attended by Anthony J. Jorgenson for Plaintiffs, and Sarah E. Carson for Defendant.

2. Initial Disclosures. In accordance with Rule 26(a)(1)(c), the parties will complete their Initial Disclosures by March 25, 2021, except to the extent initial documents cannot be produced, such documents will be identified by category and location.

3. Discovery Plan. The parties propose to the Court the following discovery plan:

A. Discovery will be needed on the following subjects: **(i) the allegations of Plaintiffs which have been denied by Defendant, (ii) Defendant's affirmative defenses; and (iii) Plaintiffs' alleged damages.**

B. Discovery shall be placed on a case-management track established in LR 26.1 as to the number of Interrogatories, Requests for Admissions, and deposition. There will be no limitation on the number of Request for Production of Documents.

C. The undersigned parties propose that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

**Complex**

D. The date for the completion of all discovery (general and expert) is **Monday, September 13, 2021.**

E. Stipulated modifications to the case management track include:  
**None**

F. Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:

From Plaintiffs by **July 15, 2021**

From Defendant by **August 15, 2021**

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the Court.

4. Mediation. Mediation should be conducted **early** in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be **Richard Conner**.

5. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: **Depositions to begin May 1, 2021.**

The parties will update this schedule at reasonable intervals.

6. Other items.

Plaintiffs should be allowed until **April 15, 2021** to request leave to Join additional parties or amend pleadings.

Defendant should be allowed until **April 15, 2021** to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§ 636(c), or appointment of a master:

**The parties do not, at this time, consent to trial by a Magistrate Judge**

Trial of the action is expected to take approximately **2-3** days. A jury trial **has not** been demanded.

The parties discussed whether the case will involve the possibility of confidential or sealed documents.

     The parties agreed that no documents in this case will be designated confidential or filed under seal.

  X   The case may involve confidential or sealed documents and the parties have separately filed a LR 5.5 Report.

Dated: March 12, 2021

Respectfully submitted,

*s/ Katie N. Wagner*

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Anthony J. Jorgenson

Katie N. Wagner

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**ATTORNEYS FOR PLAINTIFFS, MCI  
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s/ Matthew E. Cox (with permission)

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**ATTORNEYS FOR DEFENDANT,**

**DIVERSIFIED UTILITY GROUP, LLC**

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of March, 2021, a true and correct copy of the above and foregoing Joint Rule 26(f) Report was filed with the Clerk of Court using the CM/ECF system, which will automatically serve all counsel of record as set forth below:

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*s/ Katie N. Wagner*

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